

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CRIMINAL NO. 3:14cr111HTW-FKB

CHRISTOPHER B. EPPS

DEFENDANT

**ORDER ON PETITION FOR ACTION ON
CONDITIONS OF PRETRIAL RELEASE**

On November 2, 2016, the United States Probation Office for the Southern District of Mississippi filed a Petition for Action on Conditions of Pretrial Release alleging that the defendant, Christopher B. Epps, violated terms of his presentence release by failing to refrain from violating federal, state, or local law while on release. Specifically, the Petition alleged that the defendant on October 27, 2016, violated State of Mississippi law, and was arrested by the Flowood Police Department and charged with burglary of an unoccupied dwelling.

On November 3 and 4, 2016, the Court heard testimony and arguments of counsel and concluded for reasons stated on the record that the defendant violated terms of his release and should be detained pending sentencing in May of 2017. The defendant's release status is governed by Title 18, Section 3148(b) of the United States Code.

Section 3148(b) provides that a judicial officer shall enter an order of revocation of a previous release order if, after a hearing, the judicial officer

(1) finds that there is-

(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

(B) clear and convincing evidence that the person has violated any other condition of release; and

(2) finds that-

(A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

(B) the person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community. If the judicial officer finds that there are conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, and that the person will abide by such conditions, the judicial officer shall treat the person in accordance with the provisions of section 3142 of this title and may amend the conditions of release accordingly.

The Court found that probable cause existed to find that the defendant committed the state crime of burglary of an uninhabited dwelling pursuant to Miss. Code Ann. §97-17-23. Additionally, the Court found no adequate explanation for the defendant's transgression and found that he was unlikely to abide by any condition or combination of conditions of release and that no set of conditions would assure that the defendant will not pose a danger to any other person or the community.

For these reasons as well as those stated in its ruling from the bench, the Court ORDERS the defendant, Christopher B. Epps, detained until sentencing currently set for May 25, 2017.

So ORDERED, this the 12th day of December, 2016.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE